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On behalf of the United States Bankruptcy Appellate Panel of the Tenth Circuit (BAP), I am pleased to provide this report on our sixth full year of operation.

The number of bankruptcy appeals in all participating BAP districts remained approximately the same as 2001. The number of appellants electing to proceed before the BAP remained consistent at 66%. Through the end of 2002, 70 BAP decisions have been appealed to the Tenth Circuit Court of Appeals. Of these, 58 have been concluded. Twenty-nine were decided on the merits and affirmed in whole or in part the decision of the BAP; the remaining 29 were dismissed. For the sixth year, the Judges of the BAP have achieved their goal of disposing of most appeals within 60 days from submission, with a 2002 median “submission to disposition” time of 33 days. The time span from the date the notice of appeal was filed with the Bankruptcy Court to the date the BAP entered a final judgment averaged 147 days.

In the Spring of 2001, the BAP Local Rules of Practice Committee began the task of revising the BAP Local Rules. By November 2001, proposed amendments were circulated for public notice and comment. On February 11, 2002, the Tenth Circuit Judicial Council Rules Committee approved the proposed amendments, and on March 1, 2002, the new BAP local rules took effect. I would like to thank the Committee members and in particular, the Honorable Judith A. Boulden, Committee Director. Through the diligent efforts of the Committee and others, the new BAP Local Rules have been significantly improved and further streamline the process by which a bankruptcy appeal is prosecuted before the BAP.

Bankruptcy Judges appointed to the BAP voluntarily assume BAP duties in addition to their trial court caseload. BAP duties can be demanding, requiring substantial legal work, travel, court time, and administrative responsibilities. The commitment of the BAP Judges is the primary reason for its continued success. On March 5, 2002, Chief Circuit Judge Tacha appointed the Honorable Donald E. Cordova, Chief Bankruptcy Judge for the District of Colorado, and the Honorable Robert E. Nugent, Chief Bankruptcy Judge for the District of Kansas, to five-year terms on the BAP, replacing Judge Marcia S. Krieger and Judge Julie A. Robinson, who were both appointed District Court Judges. The BAP was saddened to hear of the untimely death of Judge Cordova on February 16, 2003, and we are grateful for his contributions to the BAP during this past year. Our

heartfelt sympathy is with his wife and family.

It is the rare occasion when the nine BAP Judges assemble as a group. In June of 2002, in conjunction with the Judicial Conference in Albuquerque, New Mexico, the BAP Judges met for an Administrative Meeting. The meeting provided a forum for exchanging ideas, developing short and long-range goals, and addressing procedural issues. I appreciate everyone's participation and look forward to the next meeting.

To the extent practicable, the BAP schedules oral argument sessions in the district from which the appeals arose. Before scheduling an argument session, the BAP Clerk's Office will contact the District Court to borrow and reserve a courtroom. Bankruptcy Court courtrooms are not used for two reasons. First, it helps separate the BAP from the Bankruptcy Court. Second, for a practical reason: Bankruptcy Court benches are often not large enough to accommodate a three-judge panel. District Court staff in the Tenth Circuit have been most helpful in providing chambers space, courtrooms, keys, and access cards to buildings and facilities, and in arranging for security. In November 2002, the BAP conducted its first oral argument session in the District of New Mexico, borrowing a courtroom from the District Court. I would like to thank the District Court staff, not only in New Mexico, but throughout the Tenth Circuit, for their assistance. As of the end of 2002, the BAP has conducted oral argument sessions in Colorado, Kansas, New Mexico, Northern Oklahoma, Western Oklahoma, and Utah.

Continuing education of the bankruptcy bar, the public, and other court units remains an important focus of the BAP. The BAP continues to explore and develop methods of disseminating information throughout the Circuit and nationally. In March, staff from the BAP Clerk's Office traveled to each of the three districts in Oklahoma to meet with the bankruptcy bar and the Bankruptcy Court Clerk's Offices. In September, a similar trek was made through the state of Kansas, to Kansas City, Topeka, and Wichita. Informational packages containing the new BAP local rules, the newly-revised Guide to BAP Appeals, a list of frequently asked questions, and a handout specifically addressing the needs of either the bar or the court were distributed. The presentations were well attended, and the comments received from the members of the bar and the Bankruptcy Court staff were favorable. I thank the Bankruptcy Court staff in each district for their participation. The BAP intends to continue these presentations, visiting the remaining BAP districts.

The BAP is making changes to adapt to the advanced technology used by the Bankruptcy Courts and by the public. Regarding the Bankruptcy Courts, more

courts in the Tenth Circuit have implemented the bankruptcy version of CM/ECF (case management/electronic case filing). The BAP recognizes that when a Bankruptcy Court implements CM/ECF, the BAP must update its procedures in order to work effectively with that court. Toward that end, the BAP has begun two test projects: in the District of Utah, the BAP is converting all its paper (for example, the Notice That Appeal Has Been Docketed, the courtesy copy of the BAP decision, and the mandate) to .pdf (portable document format) and e-mailing the .pdf files rather than mailing pieces of paper to the court; and both in the District of Utah and in the District of Wyoming, the BAP is working with court staff to become a registered user of the courts' CM/ECF, so that the BAP will docket its papers directly into the systems. Additionally, the new BAP local rules provide that Bankruptcy Courts should transmit appeals to the BAP by facsimile or e-mail. Regarding the public, the new local rules allow parties to file all papers (other than a brief or appendix to a brief with the BAP) by fax, and the fax is considered the original. The BAP is working on improvements to its web site to enable parties to file .pdf documents over the internet. Finally, the BAP is pursuing technology that will allow parties to view paper's filed in BAP cases over the internet. The BAP looks forward to the release of the appellate version of CM/ECF, anticipated in the Spring of 2005.

In closing, I must again acknowledge that the accomplishments of the BAP would not have been possible without the considerable assistance and support of my colleagues, of the Judges of the Tenth Circuit Court of Appeals, the Office of the Circuit Executive, the Tenth Circuit Clerk's Office, and the District and Bankruptcy Court Judges and Clerks' Offices. As always, their advice and support are very much appreciated.